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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

INTRODUCTION

1. The present report is the second in a series of reports on the activities of the Electoral Division of the United Nations Observer Mission in El Salvador (ONUSAL) that I intend to submit to the Security Council until the elections scheduled for 20 March 1994 are held. My previous report (S/26606) was issued on 20 October 1993.

2. The activities of the Electoral Division during the period from November 1993 to January 1994 have focused on observing voter registration, which was closed on 20 November 1993, monitoring the election campaign and providing assistance in the drawing up of an electoral roll, in keeping with the appeal made by the Security Council on 5 November 1993 (S/26695). The Electoral Division holds regular joint meetings with the Supreme Electoral Tribunal, the Board of Vigilance, which is made up of representatives of all political parties, and the party campaign managers with a view to solving any problems that may arise during the campaign. In order to monitor the campaign, the Division is asking the parties to provide a schedule of their campaign activities. In addition, a system has been set up to receive and process allegations of violations of the Electoral Code. These allegations are transmitted in writing to the Supreme Electoral Tribunal, which is asked to report on the follow-up action taken. The Division has already prepared a plan for the reception and deployment of the international observers who, working with current Mission staff, and thus bringing the total number to 900, are to monitor the events on election day. In the area of foreign affairs, the Division has met with more than 60 delegations from embassies, international organizations, non-governmental organizations (NGOs) and universities, as well as numerous researchers and journalists seeking information about the electoral process.

I. INSTITUTIONAL FRAMEWORK OF THE ELECTION

3. On 20 March 1994, 4 elections will be held simultaneously in El Salvador: elections for President, with a second round if no candidate obtains an absolute majority in the first round; parliamentary elections for the 84 seats in the

National Assembly on the basis of proportional representation; municipal elections in 262 mayoral districts on the basis of a simple majority (the party obtaining the most votes will win the office of mayor and all the posts in the municipal corporation); and for the Central American Parliament, to which 20 deputies will be elected on the basis of proportional representation.

4. Six parties and one coalition have registered to run in the presidential election, headed by the following candidates: Armando Calderón Sol for the Alianza Republicana Nacionalista (ARENA); Fidel Chávez Mena for the Partido Demócrata Cristiano (PDC); Rubén Zamora for the coalition composed of the Movimiento Nacional Revolucionario (MNR), the Convergencia Democrática (CD) and the Frente Farabundo Martí para la Liberación Nacional (FMLN); Edgardo Rodríguez for the Movimiento de Solidaridad Nacional (MSN); Jorge Martínez for the Movimiento de Unidad (MU); Rina de Rey Prendes for the Movimiento Auténtico Cristiano (MAC); and Roberto Escobar García for the Partido de Conciliación Nacional (PCN). The number of parties running in the elections for the National Assembly and municipal councils was reduced to nine following the merging of the Movimiento Popular Social Cristiano (MPSC), the Partido Social Demócrata (PSD) and the Unión Democrática Nacionalista (UDN) into a single party called Convergencia Democrática and the failure of the Pueblo Libre (PL) party to put forward any candidates.

5. In the Legislative Assembly elections, the parties are running in all departments without forming coalitions. In the municipal elections, the parties are most often running on their own, although the situation varies from region to region. In general, no coalition candidates are running in the cities, with the exception of San Salvador, where a coalition candidate has been put up by FMLN and MNR. In smaller towns, the most common coalition is FMLN/CD.

6. Recent months have seen a number of reforms in electoral legislation; generally speaking, these tend to be inclusive in nature, facilitating the participation both of political parties and of Salvadorian citizens. Mention should be made of the following measures: the deadline for the closure of voter registration was extended by one month to 19 January 1994, thereby facilitating the issuing of voter registration cards; the deadline for registering candidates for the office of Deputy and for the municipal councils was extended from 19 to 31 January 1994; and publishing the results of surveys or projections of possible voting outcome was prohibited during the period running from 15 days prior to the election until the final results are made public.

7. Lastly, a major reform of the Electoral Code succeeded in resolving the dispute between the Supreme Electoral Tribunal and the parties comprising the MNR/CD/FMLN coalition with regard to the composition of the departmental and municipal election boards, a dispute caused by the Tribunal's decision to reduce the number of representatives of the coalition parties to one when the coalition was legally registered. ONUSAL voiced its concern publicly at the difficult situation thus created and asked that the problem be resolved by means of a broad interpretation of the law that would allow all parties running in the four elections to participate. The legislative reform of 19 January unequivocally calls for all parties registering candidates to be represented on the departmental and municipal election boards.

8. The Supreme Electoral Tribunal, the highest authority and the general overseer of the electoral process, has improved its organization, its management capacity and its ability to deal flexibly with problems that have arisen in recent months. In spite of the Tribunal's outdated computer equipment and initial problems of transport and communication, the work of registering voters and issuing voter registration documents has been achieved with technical and logistical support from ONUSAL and the contracting of private computing and photocopying companies. These companies also entered data in digital form from birth certificates that were collected to validate the maximum possible number of voter registration requests that had been rejected for want of a birth certificate.

9. Notwithstanding these improvements, the Tribunal has yet to have an office in the town of Concepción de Oriente and maintains a presence only sporadically in other small towns such as Nuevo Edén de San Juan and San Luis de la Reina. In eight towns in Chalatenango which had been involved in the conflict, the cameras used in processing voter registration cards were returned to the departmental seat, contrary to the Tribunal's plan. This violation was reported to the Tribunal, but the cameras have yet to be returned to the towns in question. There are still many towns in which the Tribunal office is closed over the weekend, preventing citizens from smaller towns and villages from obtaining their cards. Although this problem is related to the use of municipal facilities, which are closed on weekends, it is the Tribunal's responsibility to provide this service without interruption.

10. During the next five weeks, when hundreds of thousands of voter registration cards are to be issued, it is important that the Tribunal's offices remain open throughout the country seven days a week, as originally planned. The issuing of cards is being promoted by the holding of special weekend days similar to those organized for voter registration, with the participation of the Tribunal, municipal governments, ONUSAL and NGOs.

11. The Supreme Electoral Tribunal has not been able to meet the 30-day deadline for issuing registration cards or notifying individuals why they have not received them. Of the 40 alleged violations relating to the issuing of voter registration cards, 13 related to this fact. Now that special days for the issuing of registration cards are being held, the Tribunal, with the help of NGOs, has begun to reply within 10 days by telegram to those citizens who have not received cards even though they had filled out a request.

12. In December 1993, departmental election boards were set up; these are mid-level electoral authorities with important functions in the areas of election monitoring, reporting violations of electoral legislation, delivering all election material to the municipal boards and collecting ballots. All political parties taking part in the election are represented on both the departmental and the municipal boards. The composition of these boards reflects the multiparty nature of the electoral authority. The elected chairmen of the departmental electoral boards come from FMLN in 7 of the country's 14 departments; from PDC in 4 departments; from ARENA in 2 departments; and from MSN in 1. Although the Boards are formally established, they have scant resources with which to operate. As a result, during January 1994 ONUSAL

received numerous requests from the boards for resources from the Supreme Electoral Tribunal.

13. The Board of Vigilance, composed of representatives of all parties fielding candidates in the election, acquired its own facilities during December 1993 and now has its own computers. To support the work of the Supreme Electoral Tribunal, the Board is helping to provide advisory services to citizens who encounter problems in obtaining voter registration cards. In addition, the Board of Vigilance and the political parties now possess copies of the electoral roll updated as of 19 January 1994, which replaces the previous list dating from May 1993.

14. An Electoral Counsel was appointed by the Attorney-General of the Republic in January 1994. The incumbent of this position, which is called for by law, is responsible for investigations and questions of amparo associated with the electoral process. However, as of the end of January an Auditor-General for Elections had yet to be appointed. The Auditor-General must be appointed by the Tribunal and is responsible for the administrative, financial and technical aspects of all legal matters pertaining to the electoral process. In both cases, the need for the appointment has been publicly stressed by certain opposition parties, particularly FMLN. With the appointment of the Auditor-General in the near future, the institutional structure of the electoral authority should be complete.

II. CLOSURE OF VOTER REGISTRATION

15. My report of October 1993 concluded with the hope that the authorities, the parties and other external institutions that are supporting the electoral process in El Salvador would collaborate and coordinate their activities with a realistic vision and offer constructive criticism that would facilitate the preparation of the electoral rolls, given that voter registration was a principal element in shaping the political atmosphere and the context of the election campaign. Following the closure of voter registration on 19 January 1994 and the drawing up of the provisional electoral rolls, major improvement in registration conditions has been observed. Here the work done by the Tribunal must be acknowledged, both in making its procedures more flexible and in remaining open to criticism and to suggestions from the Board of Vigilance, the political parties and the foreign agencies providing support for the electoral process. In addition, owing to the strategic and logistical support from the Electoral Division, with the help of the other components of ONUSAL, the joint efforts of various agencies and individuals resulted in a voter registration exercise that was more inclusive and free of flaws than might have been predicted a few months earlier.

16. During this period, the ONUSAL teams made an average of 6 observation visits to each of the country's 262 towns, or more than 1,700 visits. ONUSAL also provided support for the Tribunal plan during this period by dispatching some 2,500 mobile team visits, involving more than 5,000 trips by Mission staff. In the course of providing this support, some 297,000 kilometres of travel and roughly 180 hours of helicopter flying time were logged. ONUSAL put forward and

supported two plans for locating birth certificates in every town in the country so that requests for inclusion in the electoral rolls could be validated.

17. Quantitatively speaking, the registration exercise can be counted a success. With regard to the registration phase, when the deadline for submitting registration requests was reached on 19 November 1993, the outcome of the campaign launched by the Tribunal in July of that year was generally commended in political circles. The official figure of 787,834 registration requests reflects a high degree of citizen mobilization. Of the requests submitted between 1 July and 19 November 1993, some 469,098 were for new registrations, 85,560 were for changes and 229,800 were for reinstatement.

18. As for the number of actual registrations, when the electoral rolls were closed on 19 January 1994, the total stood at 2,653,871, of which 2,171,805 corresponded to voter registration cards issued in previous years and 482,066 for temporary cards that could be converted into permanent cards once they became available in the distribution centres and were claimed by the individuals concerned. By 19 January, voter registration cards had been issued to approximately 80 per cent of the estimated population of voting age. Once the temporary cards are converted into permanent cards, as many as 2.3 million Salvadorians may appear on the final electoral rolls and possess a registration card that will allow them to vote, according to projections made in September 1993 by the ONUSAL Electoral Division. This is equivalent to 85 per cent of the estimated voting-age population.

19. It should be borne in mind, however, that the electoral rolls will list approximately 2.7 million names. The discrepancy of 400,000 registrations between the Electoral Division's estimate of 2.3 million potential voters and the 2.7 million listed in the rolls, according to reliable estimates, may be ascribed to the following factors: (a) an indeterminate number of deceased persons holding voter registration cards may remain on the rolls, their definitive removal having been prevented by inadequacies in the system of death certificates; (b) at the same time, some 300,000 temporary cards issued in the field since 1991 that have been neither claimed nor converted into permanent cards may still exist, so that the individuals in whose names they were issued will remain on the rolls; and (c) an element that is the most difficult to quantify, is that there may be many Salvadorians still residing outside the country who, while possessing voter registration cards, are highly unlikely to return to the country to vote.

20. The various plans for locating birth certificates succeeded in obtaining certificates to validate some 60,000 requests for registration, with another 80,000 remaining invalid at the time registration was closed. It is probable that most of these requests would require a more detailed and time-consuming effort at validation owing to problems, inter alia, in identifying the place and date of birth and relating to the nature and order of names and surnames of the individuals concerned. El Salvador has no civil registry per se, and the relevant legislation affords great latitude in the use of surnames. These factors are compounded by distortions, both of a physical nature and in the identification of birth places, caused by migration from rural areas to towns and displacements caused by the armed conflict. One legal way of validating the requests that were rejected when registration was closed remains open, and the

citizens concerned may make use of it until 19 February 1994, when the final rolls are to be issued: articles 51 and 48 of the Electoral Code, and the Supreme Electoral Tribunal has upheld this in joint meetings with ONUSAL, the Board of Vigilance and donor organizations, permits any citizen whose name has not been included in the provisional rolls to submit a valid request accompanied by the corresponding birth certificate, whereupon he shall be included in the rolls.

21. With the closure of voter registration and the completion of work on the provisional electoral roll, certain difficulties persist that will have to be overcome if citizen participation is to proceed smoothly on election day. In the first place, it is necessary to ensure that all the temporary cards issued duly reach the Tribunal offices in the towns in which the voters have stated that they wish to vote, so that each of the voters goes to the expected site and no local community, however small, is faced with significant electoral gaps in its register. This last point is of particular importance in the municipal elections, where a small number of votes can decide the result of the election.

22. Secondly, citizens must verify that the information given on their card tallies exactly with the information included in the electoral roll. In accordance with article 30 of the Electoral Code, requests for corrections and adjustments to the provisional electoral roll may be legally submitted for up to 30 days before the election, until 19 February. This deadline was altered after the deadline for the closure of registration was legally changed to 60 days before the election. Some requests, for example those concerning the loss of a voter registration card, can be submitted even a few days before the election, as provided by article 48 of the Code. In practice, the Supreme Electoral Tribunal has not included in its extensive instructions any specific directives on deadlines by which citizens are to submit various types of applications. ONUSAL has emphasized the need to provide unambiguous publicity where deadlines are concerned. Proper enforcement of the law requires that the Tribunal indicate the new deadlines for the implementation of articles 30 and 51 and determine the precise deadline for the implementation of article 48. If the provisional roll is to be corrected satisfactorily, not only the Tribunal but also the political parties and NGOs must be involved in helping the voters to verify whether the registration entry is correct and to submit the appropriate request.

23. Even when the final electoral roll is available on 19 February, some of the problems mentioned in my October 1993 report will persist and will have to be faced on election day by the electoral authorities at all levels and by the political party monitors and the international observers. For example, it will be impossible to determine the number of persons in possession of two or more voter registration cards, each with a different identity, obtained through the improper use of officially valid documentation. This situation is due to the legal framework within which the register was drawn up and the attention paid to certain exceptional circumstances; it is almost impossible to remedy. Every precaution must therefore be taken to ensure that such persons vote only once. Multiple voting by persons with several cards using different identities can be prevented only by an appropriate use of indelible ink at the time of voting. In this matter, the electoral authorities and also the party monitors and international observers will have to take special care to ensure that the ink

does not become mingled with products other than those from the official supplier or with supplies left over from previous elections, that only officially provided bottles are used and that voters are not allowed to depart from the voting site until they have received the ink mark.

III. THE ELECTORAL CAMPAIGN

24. The electoral campaign opened officially on 20 November for the election of the President and on 20 January for the election of the Legislative Assembly. The electoral campaign for the municipal elections begins officially on 20 February. In practice, campaign activities started before the dates indicated and there is some discreet overlap between them. The political climate of the campaign is calm in institutional terms - relations between the contending parties, organization of public events, access to the media, content of publicity, and so forth - despite some incidents of political violence and intimidation and the persistence of high rates of common crimes and ordinary offences. ONUSAL teams have attended approximately 200 electoral events throughout El Salvador, in all the departments, without coming across any incidents of importance.

25. At the institutional level, campaign activities are proceeding without major incident, although the extent of compliance with the electoral norms can and must be improved in the time remaining before the elections. Under the auspices of ONUSAL and the Tribunal, the political parties have signed pacts of honour about the conduct of the campaign in 12 of the 14 departments of El Salvador, and similar pacts are under discussion in the remaining 2 departments. The parties hold joint meetings at regular intervals to discuss campaign developments. These meetings are sponsored by ONUSAL.

26. Generally speaking, the public part of the campaign and the display of posters, flags and wall paintings have proceeded smoothly, although there have been reports of incidents in which activists have destroyed or pasted over a political party's mural propaganda. Thus far, none of these incidents has been serious. All the parties are being granted access to the media, although the frequency of access and the extent of coverage depend on the medium concerned. As to the content of the publicity, the Electoral Division of ONUSAL has received a number of complaints regarding the use of public resources to promote indirectly the party of the Government in power. In addition, the Electoral Division itself, in monitoring the media, has noticed two pieces of televised publicity by the ARENA party containing elements that may violate article 18 of the electoral propaganda rules. That article provides that no party shall include in its publicity emblems and insignia used by other parties.

27. There are some incidents that are not at all conducive to an atmosphere of civil tranquillity and political freedom. First and foremost, there are the murders in recent months of at least 15 persons of some political importance, concerning which suspicions or allegations of political motivation have been expressed. Two former commanders and four ex-combatants of FMLN were murdered in the last week of October 1993. During November 1993, four ARENA activists (a councilman, a former mayor, the brother of a mayor and a grass-roots activist) and two FMLN activists were murdered, and an FMLN activist and an

ARENA activist were injured. In the first week of December, a former commander of FMLN and the brother of an FMLN candidate for mayor were murdered. In January 1994, a young MSN activist was murdered while painting political graffiti. During the same period, the Human Rights Division of ONUSAL received 46 reports of murders, initially described as summary executions, including the 15 murders already cited, whose perpetrators are not identified. In addition to these incidents of extreme violence, there have been public reports in the media describing approximately 15 acts of intimidation, attempted violence or threats against political persons or facilities; they relate mostly to FMLN and to a lesser extent to PDC and ARENA. The deep concern caused by the resurgence of violence in El Salvador was reflected in my letter to the President of the Security Council of 3 November 1993 (S/26689), his reply in a note of 5 November (S/26695), my report on ONUSAL of 23 November (S/26790) and Security Council resolution 888 (1993) of 30 November 1993. Although the murders alluded to are not fully elucidated in terms of police investigation or judicial outcome, they do have a direct political relevance in an electoral campaign and should be regarded as incidents with a political impact, even though assessing that impact would be highly problematical at this stage of the electoral process.

28. However, while the personal unhappiness and the social failure that are implicit in the loss of human life, bodily assaults and violations of personal safety are to be deplored, it is encouraging to note that the frequency of this type of incident has diminished during December and January, and that the Joint Group for the investigation of politically motivated illegal armed groups, which was established on the initiative of the United Nations, is already meeting and is discharging its mandate. Moreover, the aforementioned acts of violence and intimidation against political persons occurred outside the framework of the electoral campaign proper and of the dialogue, both institutional and informal, between the contending parties. Thus far, they do not seem to have affected in a relevant or visible way the relatively normal climate in which the electoral process is unfolding, particularly in the light of the country's recent emergence from a long internal conflict and the extremely harsh environment of crime, unemployment and lack of basic social services with which Salvadorians have to contend daily.

IV. OBSERVATIONS

29. The Salvadorian people have travelled a long and arduous path to reach the current stage in their quest for peace and national reconciliation. The elections on 20 March represent an opportunity to establish a new political framework that will include the forces formerly in opposition which refused to resolve their differences by means of civil discourse and dialogue between Government and opposition and between parliamentary majority and parliamentary minorities. Travelling this path could not have been without difficulties and risks. It is to the credit of the Salvadorian people and their leaders of all persuasions that they were able to overcome the obstacles through courage and political wisdom and to advance to the stage of holding elections. Further difficulties must be expected; it is to be hoped that they are few and of little importance. What is essential, however, is that the political leaders should not lose sight of the noble objectives set and should remain steadfast in

working towards those objectives, while the citizens must not find pretexts to lose their trust in the leaders or the feeling of security and political freedom. These are the circumstances that will enable the voters to cast an individual, free and secret ballot on 20 March and accept as valid the election result.